

1 ERIC J. TROUTMAN (State Bar No. 229263)
2 ejt@severson.com
3 SEVERSON & WERSON
4 A Professional Corporation
5 The Atrium
6 19100 Von Karman Avenue, Suite 700
7 Irvine, California 92612
8 Telephone: (949) 442-7110
9 Facsimile: (949) 442-7118
10 JOHN B. SULLIVAN (State Bar No. 96742)
11 jbs@severson.com
12 SEVERSON & WERSON
13 A Professional Corporation
14 One Embarcadero Center, Suite 2600
15 San Francisco, California 94111
16 Telephone: (415) 398-3344
17 Facsimile: (415) 956-0439
18
19 Attorneys for Defendant,
20 ACCOUNTNOW, INC.

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 RICHARD HALAVAIS, Individually and on
15 Behalf of All Other Similarly Situated,

16 Plaintiff,

17 vs.

18 ACCOUNTNOW, INC.,

19 Defendant.

Case No. 3:12-cv-01921-BEN-RBB
Hon. Roger T. Benitez

CLASS ACTION

**JOINT MOTION AND STIPULATION
FOR DISMISSAL OF CLASS CLAIMS
AND STAY OF CASE PENDING
ARBITRATION**

20 Action Filed: August 3, 2012

21 COME NOW Plaintiff Richard Halavais (“Plaintiff”) and Defendant AccountNow, Inc.
22 (“Defendant”) (collectively, the “Parties”) and, jointly recite and move for a stay of proceeding as
23 follows:

24 1. The parties agree that an arbitration agreement and class action waiver provision
25 exists in the Cardholder agreement between Plaintiff and Defendant;

26 2. Defendant desires to enforce the arbitration agreement, including its class action
27 waiver provision, and intended to move to compel the same in this case;

1 3. During the meet and confer process, Plaintiff agrees not to oppose the motion and
2 agrees to proceed to arbitration and on an individual basis only; accordingly

3 4. The parties hereby stipulate to an order i) compelling the parties to attend
4 arbitration; ii) enforcing the class action waiver in the arbitration agreement and dismissing the
5 claims of class members asserted in the Plaintiff's Complaint, without prejudice; and iii) staying
6 this action pending the outcome of arbitration.

7
8 **SO STIPULATED.**

9
10 DATED: September 19, 2012

11 SEVERSON & WERSON
12 A Professional Corporation

13 By: s/ Eric J. Troutman
14 Attorney for Defendant
15 AccountNow, Inc.
16 E-mail: ejt@severson.com

17 DATED: September 19, 2012

18 KAZEROUNIAN LAW GROUP

19 By: s/ Abbas Kazerounian
20 Attorney for Plaintiff
21 Richard Halavais
22 E-mail: ak@kazlg.com

1 **SIGNATURE CERTIFICATION**

2 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and
3 Procedures Manual, I hereby certify that the content of this document is acceptable to Abbas
4 Kazerounian, counsel for Richard Halavais, and that I have obtained Mr. Kazerounian's
5 authorization to affix his electronic signature to this document.

6

7 DATED: September 19, 2012

SEVERSON & WERSON
A Professional Corporation

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10 By: s/ Eric J. Troutman
11 ERIC J. TROUTMAN
12 Attorneys for Defendant
13 AccountNow, Inc.

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1 **CERTIFICATE OF SERVICE**

2 *Halavais v. AccountNow, Inc. Bank, N.A.*

3 USDC – Southern District Case No. 3:12-cv-01921-BEN-RBB

4 At the time of service, I was over 18 years of age and not a party to this action. I am
employed in the County of Orange, State of California. My business address is The Atrium,
19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

5 On September 19, 2012, I served true copies of the following document(s):

6 **JOINT MOTION AND STIPULATION FOR DISMISSAL OF CLASS CLAIMS
7 AND STAY OF CASE PENDING ARBITRATION**

8 on the interested parties in this action as follows:

9 Abbas Kazerounian, Esq.
10 S. Mohammad Kazerouni, Esq.
11 Assal Assassi, Esq.
12 KAZEROUNI LAW GROUP, APC
2700 N. Main Street, Suite 1000
Santa Ana, CA 92705

13 Attorneys for Plaintiff
14 RICHARD HALAVAIS
15 Telephone: (800) 400-6808
Facsimile: (800) 520-5523
Email: ak@kazlg.com
mike@kazlg.com
assal@kazlg.com

16 Robert L. Hyde, Esq.
17 Joshua B. Swigart, Esq.
18 HYDE & SWIGART
19 411 Camino Del Rio South, Suite 301
San Diego, CA 92108

20 Attorneys for Plaintiff
21 RICHARD HALAVAIS
22 Telephone: (619) 233-7770
Facsimile: (619) 297-1022
Email: bob@westcoastlitigation.com
josh@westcoastlitigation.com

23 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
24 document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case
25 who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case
26 who are not registered CM/ECF users will be served by mail or by other means permitted by the
27 court rules.

28 I declare under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct. I declare that I am employed in the office of a member of the bar of
this Court at whose direction the service was made.

29 Executed on September 19, 2012, at Irvine, California.

30 _____
31 *s/ Eric J. Troutman*
32 Eric J. Troutman